

LESTER SCHWAB KATZ & DWYER, LLP

100 WALL STREET
NEW YORK, N.Y. 10005-3701
(212) 964-6611
FAX: (212) 267-5916

JEFFREY A. PAYNE
Writer's Direct Dial: (212) 341-4316
E-Mail: jpayne@lskdnylaw.com

NEW JERSEY OFFICE
61 S. Paramus Road
Suite 250
PARAMUS, NJ 07652
(973) 912-9501

May 31, 2023


Via ECF

Honorable Judge Jennifer Rochon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The request is GRANTED. The parties shall comply with the Revised Case Management Plan and Scheduling Order, to be docketed forthwith. Given the number of extensions that have already been granted, the parties should not expect any further extensions absent extraordinary circumstances.

Dated: May 31, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Re: Mack v. Salsum Trucking, LLC and Saadiq Abdi Muse
Docket No.: 1:22-cv-04671

Dear Honorable Judge Rochon:

On behalf of and with consent of the parties, please accept this joint Letter Motion to extend discovery. In accordance with Your Honor's individual rules, a proposed revised discovery order is included within this Letter Motion. This is the third application to extend discovery. The first joint application to extend discovery, dated December 23, 2022 and the second application to extend discovery, dated March 30, 2023, were granted.

Per Your Honor's current Order, the current fact discovery end date is scheduled for May 31, 2023. To date, the parties have exchanged initial paper discovery and conducted the deposition of the plaintiff. The deposition of defendant Saadiq Muse and non-parties remain outstanding. The defendant's deposition was previously scheduled for April 11, 2023 and May 30, 2023. On the first occasion, technical issues on the witness's end prevented the deposition from moving forward and most recently, the Somali interpreter canceled on the morning of the deposition. As a result, the parties have rescheduled the deposition of the defendant on June 6, 2023. Additionally, defendants previously served post-deposition demands on plaintiff and await responses, which includes the name and address of a non-party eye witness. It is also anticipated that post-deposition demands will be served by plaintiff following the deposition of defendant Saadiq Muse.

For the reasons set forth in the Letter Motion, the parties jointly request the following amended discovery order:

1. The fact discovery end date shall be extended sixty (60) days to July 31, 2023;
2. The parties shall make all efforts to conduct the remaining depositions no later than July 31, 2023;

LESTER SCHWAB KATZ & DWYER, LLP

May 31, 2023

Page 2

3. Expert discovery deadline and depositions shall be extended sixty (30) days to September 18, 2023; and
4. It is requested that the Case Management Conference remain as scheduled for September 18, 2023 at 11 a.m.

The parties have been working together and will look to conclude discovery as expeditiously as possible, if the Court is willing to extend the deadline.

Thank you for your consideration to this application.

Respectfully submitted,

s/Jeffrey A. Payne

JEFFREY A. PAYNE

JAP:imr

4859-7471-1399

cc:

Via ECF

Wingate, Rusotti, Shapiro, Moses, & Halpern, LLP

420 Lexington Avenue, Suite 2700

New York, New York 10170

Attorneys for Plaintiff

T: (212) 986-7353

E: gdisha@wrslaw.com